

PUBLIC SAFETY & PUBLIC INFORMATION COMMITTEE
Of the
Suffolk County Legislature

Minutes

A regular meeting of the Public Safety & Public Information Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, on **May 4, 2004**.

Members Present:

Legislator Angie Carpenter - Chairperson

Legislator Pete O'Leary - Vice-Chair

Legislator David Bishop

Legislator William Lindsay

Legislator Andrew Crecca

Legislator Daniel Losquadro

Legislator Lynne Nowick

Also In Attendance:

Mea Knapp - Counsel to the Legislature

Doug Sutherland - Aide to Legislator Carpenter

Alexandra Sullivan - Chief Deputy Clerk/Suffolk County Legislature

Linda Bay - Aide to Presiding Officer Caracappa

Nicole DeAngelo - Aide to Presiding Officer Caracappa

Jim Spero - Director/Budget Review Office

Ivan Young - County Executive

Ben Zwirn - County Executive's Office/Intergovernmental Relations

Bob Bortzfield - Director/County Executive's Budget Office

Donald Sullivan - Undersheriff/Suffolk County Sheriff's Office

Alan Otto - Chief of Staff/Suffolk County Sheriff's Office

Cecilia Clausing - Suffolk County Police Department

Robert Scharf - Staff Services Bureau/Headquarters/SCPD

Aristides Mojica - Deputy Inspector/Suffolk County Police Department

Thomas Kelly - Lieutenant/Suffolk County Police Department

Howard Jantzen - Deputy Inspector-Marine Bureau/SCPD
Robert Kearon - Bureau Chief/District Attorney's Office
Lynne Bizzarro - Chief Deputy County Attorney
Elizabeth Harrington - Deputy County Attorney
Debbie Eppel - Public Information Office
Tom Muratore - Vice-President/Police Benevolent Association
Mike Sharkey - 2nd Vice-President/Deputy Sheriff's Benevolent Assoc.
Catherine Hoak - Suffolk County League of Women Voters
Elie Seidman-Smith - Director/Community Service Program/ARC
Dan Sicilian - AME/3rd Vice-President
Michael Timo - Holbrook Fire District
Ed Springer - Suffolk County Fire Marshal's Office
Peter Digilio - Fire, Rescue & Emergency Services
All Other Interested Parties

Minutes Taken By:

Alison Mahoney - Court Stenographer

(*The meeting was called to order at 1:23 P.M.*)

CHAIRPERSON CARPENTER:

Would everyone please rise for the Pledge of Allegiance led by Legislator Losquadro.

Salutation

Thank you. We have no cards, we have no scheduled presentations.

And it is the DARE season, so I know a number of Legislators have DARE Graduations to get to so we'll try to move this along. We will start with the Tabled Resolutions.

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TABLED RESOLUTIONS

Excuse me, did you wish to address the committee?

MS. BIZZARRO:

Yes.

CHAIRPERSON CARPENTER:

Well, generally speakers fill out a card so that we know that you want to speak. But go right ahead, have a seat.

MS. BIZZARRO:

At the table or the podium?

CHAIRPERSON CARPENTER:

Wherever you prefer.

MS. BIZZARRO:

I'm sorry I don't know if I've ever been at this committee; my apologies. I will make sure I fill out a card next time.

Good afternoon, everyone. I just wanted to make a statement regarding ***IR 1238-04 - Adopting Local Law No. 2004, a Local Law to amend Local Law No. 11-2003, extending full benefits of real property tax law exemption for volunteer firefighters and ambulance workers (Presiding Officer Caracappa)***. The County Attorney's Office has distributed an opinion in the mailboxes of all the Legislators prepared by Deputy County Attorney Liz Harrington, the details of which are set forth in the opinion. The conclusion of the opinion is essentially that the current Local Law, the Local Law in its current form regarding the firefighters exemption, gives effect to any amendments to the State-enabling legislation. The language of the current law basically offers the fighter -- firefighters the full benefits allowed by law and the Legislative Intent confirms just that.

Consequently, because the current County Law provides an exemption to firefighters for whatever superseding amount is approved by amendment to the State law, the proposed amendment to Section 458-40 of the County Law is unnecessary. I just wanted to alert you to that.

Thank you. If you have any questions, I would be happy to answer them.

CHAIRPERSON CARPENTER:

If you could. I know you said you've never been to this committee before, in the future if

there's anything on the agenda that we need to know about, if you could have someone contact me ahead of time and let me know about it.

MS. BIZZARRO:

Absolutely.

CHAIRPERSON CARPENTER:

And also, it's interesting, those of us who are not attorneys sometimes have a little bit of difficulty following someone that likes to speak legalese, but I felt a little bit better looking over to one of the members of the committee who is an attorney who really didn't understand what you were talking about. So if you could kind of bring it down to our level, I'd appreciate it.

Okay, let us go on with the agenda. Thank you.

MS. BIZZARRO:

Thank you.

LEG. LINDSAY:

Could I just ask question about that issue?

CHAIRPERSON CARPENTER:

Yes, sure.

LEG. LINDSAY:

I'd like -- you know, our Counsel, do you agree with that, that this isn't needed?

MS. KNAPP:

You know, the question did arise once before and I looked at it fairly carefully and I actually asked the Legislator who was sitting near me who was an attorney if he would look at it with me, and we both actually agreed that the date of the existing Local Law was months prior to the State amending its legislation to allow for the full exemption. And we both had reservations -- and certainly I haven't read the County Attorney's opinion yet so it's difficult for me to comment on it -- but we both have reservations how you could legally and effectively implement a State law that didn't exist until eight months after the County had acted and we both then concluded that rather than leave that question open on the important issue of providing the firefighters the

exemption that we wanted to, that it was certainly safer; I can't think of any reason why we wouldn't make sure that we had granted the full exemption. And as I say, you know, when you get lawyers together they can always disagree.

MS. BIZZARRO:

Just if I may. I think the State-enabling legislation is in Section 466-6-C and in it, it basically lays out -- and this was enacted in 2003 actually -- that certain language would be good until certain time periods and then at a certain date would be become in effective and then new language would, you know, be effective. So actually at the time that this legislature passed the Local Law, the entire law was set before them in the State-enabling legislation. So it had that the \$3,000 cap would be good only until January 1, 2005, and then come January 1, 2005, they were taking that cap out. So it was contemplated, at the time the Local Law was passed in 2003, that the law would be changing, so it was spelled out at the time. I just figured I would bring that to light.

MS. KNAPP:

Did the opinion address the question, though, of whether or not there was any harm done by the amendment since it was only passed by the Legislature in March of 2000 -- the State Legislature in March of 2004?

MS. BIZZARRO:

No harm, just the redundancy, that's all.

CHAIRPERSON CARPENTER:

Legislator O'Leary.

LEG. O'LEARY:

Is it your statement that the proposed County Law mirrors State law?

MS. BIZZARRO:

Yes, it does.

LEG. O'LEARY:

All right. Is it your opinion that the State law can be amended?

MS. BIZZARRO:

That the State law -- I'm sorry?

LEG. O'LEARY:

Can or cannot be amended?

MS. BIZZARRO:

Well, the State has that ability to amend its own laws, right.

LEG. O'LEARY:

Right. And if the County has a law that's on the books that no longer mirrors the State law, wouldn't the County Law prevail?

MS. BIZZARRO:

Not necessarily.

LEG. O'LEARY:

Oh, really?

MS. BIZZARRO:

What you're saying is, in other words, that the State has passed a law and then the County Law conflicts with that State law?

LEG. O'LEARY:

No, it doesn't conflict; let's say it mirrors it.

MS. BIZZARRO:

Oh, it does mirror it.

LEG. O'LEARY:

But then the State amends their law.

MS. BIZZARRO:

Right.

LEG. O'LEARY:

What's the effect of the County Law?

MS. BIZZARRO:

It would not necessarily be amended.

LEG. O'LEARY:

Okay, that's my point.

MS. BIZZARRO:

Yes, right.

LEG. O'LEARY:

So the fact that we're mirroring a State law --

MS. BIZZARRO:

Right.

LEG. O'LEARY:

-- has no relevancy or bearing on what the County does with respect to effecting a law.

MS. BIZZARRO:

Well, as I said, there's no harm in it.

LEG. O'LEARY:

Yeah, there is no harm.

MS. BIZZARRO:

It's just, as far as I see it, as a redundancy.

LEG. O'LEARY:

It basically assures that if the State was of the mind and said to amend the law or change it, that the County would remain the same.

All right, thank you.

CHAIRPERSON CARPENTER:

Thank you.

MS. BIZZARRO:

Thank you.

CHAIRPERSON CARPENTER:

I have a question for Budget Review. On this bill, and maybe Counsel would be more appropriate to be asking, but what are the requirements and what happens if someone moves into the County or into a given township, the residency requirements of the exemption?

MS. KNAPP:

Now, my recollection was that the residency requirements, the only change to that was the deletion of the word village I believe, I don't have it before me right now. But the residency requirements were only amended, I believe, to limit it to towns rather than villages.

LEG. LINDSAY:

Yeah, but I --

CHAIRPERSON CARPENTER:

Is there any amount of time that a person must serve in the department to qualify for the exemption?

LEG. LINDSAY:

Yes.

CHAIRPERSON CARPENTER:

Yes. I don't see that in this bill.

MS. KNAPP:

To the extent that the bill that you passed in 2002 or 2003 has not been amended other than the sections of the law that increased -- took off the cap and mirrored the small change to

village. Everything else, the existing Local Law remains in effect; so to the extent it was in the existing Local Law, then it remains in effect.

CHAIRPERSON CARPENTER:

And this exemption applies to the County portion.

MS. KNAPP:

Yes.

CHAIRPERSON CARPENTER:

And if -- in order to qualify for the town portion, the town would have to pass their own legislation to exempt the firefighters for the exemption for the town.

MS. KNAPP:

Yes.

CHAIRPERSON CARPENTER:

Okay, Legislator Lindsay.

LEG. LINDSAY:

Just to make the committee aware of it, and I've gotten several calls at my office about it, and I don't recall the time frame but you think --

CHAIRPERSON CARPENTER:

It's five years.

LEG. LINDSAY:

Okay. That you have to be active, number one, in the Emergency Service Department now and you have to have five years of prior experience in that department.

CHAIRPERSON CARPENTER:

Right.

LEG. LINDSAY:

And I have been getting all kinds of calls, you know, "I moved from this part" --

CHAIRPERSON CARPENTER:

Exactly.

LEG. LINDSAY:

-- "to this part of Suffolk County or I moved from Nassau into Suffolk" and, you know, the answer I've gotten unequivocally is, "You don't qualify for the tax exemption."

CHAIRPERSON CARPENTER:

Right, you have to appear from -- in fact, this just happened this morning. You have to appear on their active rolls that the department submits and I guess that, too, goes along with the retirement credits that they get from the State for their service as a volunteer.

LEG. LINDSAY:

And the department that they're serving in has tremendous leeway and the town is the certifying agent, and if the department that they're serving in -- like I had a woman this morning who was out on maternity leave last year, her department determined that she isn't active. And although she's

CHAIRPERSON CARPENTER:

Is inactive?

LEG. LINDSAY:

Yeah, although she served 17 years in the community, she cannot qualify for this tax exemption. And, you know, if we wanted to tinker with it at all or make some modifications, I think that might be the direction where we should go because there's some inequities there.

CHAIRPERSON CARPENTER:

Yeah, and it's probably something that we could sit down with FRES and get some sort of an overview from them about how we might best address that. But in the meantime, we probably should move forward with this. Do I have a motion?

LEG. O'LEARY:

Motion.

CHAIRPERSON CARPENTER:

Motion by Legislator O'Leary, second by Legislator Losquadro. All those in favor? Opposed?

The resolution is approved (VOTE: 7-0-0-0).

IR 1273-04 - Adopting Local Law No. 2004, a Local Law amending Chapter 270 of the Suffolk County Code in connection with abatement of crack houses and public nuisances (Presiding Officer at the Request of the County Executive).

LEG. LINDSAY:

I'd like to hear from the County Executive's Office. Is this bill ready to be moved?

MS. BIZZARRO:

That's fine.

CHAIRPERSON CARPENTER:

Yeah, I think it was tabled for the public hearing.

LEG. LINDSAY:

Okay. Then I'll make a motion.

CHAIRPERSON CARPENTER:

Motion by Legislator Lindsay, second by Legislator Bishop.

All those in favor?

LEG. CRECCA:

On the motion.

CHAIRPERSON CARPENTER:

On the motion, Legislator Crecca.

LEG. CRECCA:

Could someone just highlight what the changes are?

CHAIRPERSON CARPENTER:

Mr. Zwirn, do you want to come forward?

MR. ZWIRN:

The County Attorney is here, it's a very simple change.

MS. BIZZARRO:

Right, it's a simple amendment. Basically I'm just going by memory. Public nuisance is defined currently in the law as, in essence, a place where an owner has been given a first violation notice that prohibited conduct has occurred, and then within a period after that notice there was another violation; that's how the definition of public nuisance is currently. That does not correspond with how it should read because basically the law defines generally public nuisance and the reading of it that you have a two year spread between one violation and another.

CHAIRPERSON CARPENTER:

We made that change here, we changed it from one year to two years --

MS. BIZZARRO:

Right.

CHAIRPERSON CARPENTER:

-- just because the clock would start ticking again.

MS. BIZZARRO:

Right. And so the problem is that it just was a glitch, it's really almost like a typographical error, that the definition of public nuisance only had -- left the one year only and not the two years.

CHAIRPERSON CARPENTER:

Okay.

MS. BIZZARRO:

In order for the law to work you need to change that definition.

CHAIRPERSON CARPENTER:

Okay, thank you.

MS. BIZZARRO:

You're welcome.

CHAIRPERSON CARPENTER:

So we have a motion and a second. All those in favor? Opposed?

The resolution is approved (VOTE: 7-0-0-0).

IR 1329-04 - Adopting Local Law No. 2004, Amending Civil Forfeiture Law to strengthen and clarify procedures for seizure and forfeiture of personal property (Presiding Officer Caracappa).

LEG. O'LEARY:

Can I have an explanation from the County Executive's Office?

CHAIRPERSON CARPENTER:

Explanation, Mr. Zwirn.

MR. ZWIRN:

This bill is no longer, it's moot with Legislator Alden's bill on the DWI seizure law being passed.

CHAIRPERSON CARPENTER:

Okay, great; I would presume he'll withdraw it then.

MR. ZWIRN:

Yes.

CHAIRPERSON CARPENTER:

Okay, thank you. We just won't address it.

LEG. O'LEARY:

Has it been withdrawn?

CHAIRPERSON CARPENTER:

Well, they're going to withdraw the bill.

LEG. BISHOP:

Motion to table subject to call.

CHAIRPERSON CARPENTER:

All right. Motion to table subject to call --

LEG. O'LEARY:

Second.

CHAIRPERSON CARPENTER:

-- second by Legislator O'Leary. All in favor? Opposed?

It is tabled subject to call (VOTE: 7-0-0-0).

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INTRODUCTORY RESOLUTIONS

IR 1380-04 - Reappointing Edward A. Carpenter, Jr., as a member of the Suffolk County Vocational, Education and Extension Board (Lindsay).

Is Mr. Carpenter here? Mr. Lindsay, did you ask him to come down?

LEG. LINDSAY:

Sure; it's a reappointment.

CHAIRPERSON CARPENTER:

No, I know it is, I'm just asking if you asked him to come down.

LEG. LINDSAY:

No, I haven't.

CHAIRPERSON CARPENTER:

And it is a reappointment and I know -- he's been active?

LEG. LINDSAY:

Yes.

LEG. CRECCA:

No relation?

CHAIRPERSON CARPENTER:

No relation; no conflict, no relation. Okay.

LEG. LINDSAY:

I will have him come in next time.

CHAIRPERSON CARPENTER:

All right, fine.

LEG. CRECCA:

No.

CHAIRPERSON CARPENTER:

Yeah, with a reappointment I really feel that's unnecessary. Okay, motion by Legislator Lindsay, second by Legislator Crecca. All those in favor? Opposed? ***The resolution is approved (VOTE: 7-0-0-0).***

IR 1404-04 - Accepting and appropriating 100% federal pass-through grant funds from NYS Office of Public Security in the amount of \$2,000,000 for the "State Homeland Security Program(SHSP) FY2004" and the amount of \$600,000 for the "Law Enforcement Terrorism Prevention Program (LETPP) FY2004 administered by the Suffolk County Department of Fire, Rescue and Emergency Services and to execute grant related agreements (County Executive). Motion to approve and put on the consent calendar, second by Legislator O'Leary. All those in favor? Opposed? ***The resolution is approved and put on the consent calendar (VOTE: 7-0-0-0).***

LEG. BISHOP:

Madam Chair?

CHAIRPERSON CARPENTER:

Yes.

LEG. BISHOP:

Is there anybody who can speak to how we are spending the funds; how does this work?

CHAIRPERSON CARPENTER:

Is there someone here -- yes; do you want to come forward, please?

Good afternoon. Thanks for being here. If you would just state your name for the record.

MR. DIGILIO:

Peter Digilio, Assistant Chief Fire Marshal for Suffolk County Fire Rescue. The pass-thru funds, these would be used for the terrorism equipment, training and for a -- it would go to us, also EMS and also the Suffolk County Police Department, it's also for repairs for some equipment. And it's not a loan, needless to say, it's strictly matching funds required just strictly for Fire Rescue that we would be distributing through us.

LEG. BISHOP:

Okay. So all the departments in the County, this comes to us and then we distribute down to the local department?

MR. DIGILIO:

No, this would be strictly -- not for the local fire departments, strictly for the County agencies.

LEG. BISHOP:

So FRES would have this?

MR. DIGILIO:

In other words, it would come through FRES --

LEG. BISHOP:

Right, and go where?

MR. DIGILIO:

-- and be distributed to EMS, Emergency Medical Services in the Health Department and also the Suffolk County Police Department.

LEG. BISHOP:

Okay. So it doesn't stay in FRES, it goes to --

MR. DIGILIO:

Oh, no, no it doesn't stay with us.

CHAIRPERSON CARPENTER:

Thank you. Okay, we had a motion and a second. All those in favor? Opposed? ***The resolution is approved (VOTE: 7-0-0-0).*** Thank you, Peter.

IR 1405-04 - Accepting and appropriating 100% grant funding from the New York State Governor's Traffic Safety Committee to enhance the County's current STOP-DWI Program throughout Suffolk County (County Executive). Motion to approve by Legislator Nowick, to approve and put on the consent calendar, second by Legislator Losquadro. All those in favor? Opposed? ***The resolution is approved (VOTE: 7-0-0-0).***

1408-04 - Accepting and appropriating 100% Federal pass-through grant funds from NYS Office of Emergency Management of the NYS Division of Military and Naval Affairs for a Suffolk County Community Emergency Response Team Program (County Executive). Motion to approve and put on the consent calendar by myself, second by Legislator O'Leary. All those in favor? Opposed? ***Approved (VOTE: 7-0-0-0).***

LEG. BISHOP:

Where does this go? Here's our chance to learn about all these activities.

CHAIRPERSON CARPENTER:

Right. Counsel has a backup on it; do you have that on there?

MS. KNAPP:

My notes indicate it's -- there's \$20,000 of which a little over 15 is new money, it's for equipment, supplies, materials and contract expenses for the Citizen Corps Council.

LEG. LINDSAY:

The same.

LEG. O'LEARY:

That's 1409.

CHAIRPERSON CARPENTER:

Right, that's 1409, we're on 1408.

MS. KNAPP:

That was 1408.

CHAIRPERSON CARPENTER:

No, Citizen Corps Council is on 1409.

LEG. BISHOP:

It's very similar; they're all very similar, it's just that some of these initiatives I've never heard of.

CHAIRPERSON CARPENTER:

Oh, okay. I'm sorry.

MS. KNAPP:

1409 is the \$50,000 and it's going for communication, equipment, materials and contractual expenses also for the Citizen Corps Council Program.

LEG. BISHOP:

What is the Citizen Corps Council Program; do you know?

LEG. LINDSAY:

You might as well stay here.

LEG. BISHOP:

Are these all your resolutions, these next -- stay put then.

MR. DIGILIO:

Actually, they will all be going through FRES.

LEG. BISHOP:

Okay. Maybe you can explain them.

MR. DIGILIO:

We'll start with the Community Emergency Response Teams, the CERTS as they call them, this is the training for the Civilian Emergency Response Teams that's going to be coming through our office through our Fire Training Academy, training citizen groups. It's something that came over from California that they're going to institute now on the east coast, whereas you become -- auxiliary II responding emergency forces within the County. They would all be trained through our department and set up as a different groups around, also through the Red Cross.

LEG. BISHOP:

That's 1405 you're talking about?

CHAIRPERSON CARPENTER:

1408.

MR. DIGILIO:

1408.

LEG. BISHOP:

This is 1408, okay.

MR. DIGILIO:

And also, it would also fund part of our APO Program, Auxiliary Police Program, too, which will also be coming out of that; this is 1408.

CHAIRPERSON CARPENTER:

According to the backup here, it will address about 275 volunteers.

LEG. BISHOP:

So CERTS will respond in a time of -- not a traffic accident but of an emergency.

MR. DIGILIO:

Of an emergency when the Red Cross will be called upon and these will be using these people --

LEG. BISHOP:

Okay.

MR. DIGILIO:

-- all the trained cadre auxiliary to assist --

LEG. BISHOP:

Hurricane, terrorism, things like that.

MR. DIGILIO:

Exactly, a major disaster or catastrophe.

LEG. BISHOP:

All right. And how do I -- how does one become a CERT?

MR. DIGILIO:

Well, that's going to be strictly done, as far as we know, through a volunteer process when the word gets out from the Red Cross, the people that want to volunteer their time.

LEG. BISHOP:

Okay, so the Red Cross is the lead on this.

MR. DIGILIO:

At this point in time it apparently will be, yes.

LEG. BISHOP:

Okay, thank you. I did not know about that.

CHAIRPERSON CARPENTER:

See, every day you learn something. Okay, 1409 -- actually, it's all in the backup, too.

1409-04 - Accepting and appropriating 100% Federal pass-through grant funds from the NYS Office of Emergency Management of the NYS Division of Military and Naval Affairs for a Suffolk County Citizens Corps Council Program (County Executive).

LEG. BISHOP:

Okay; what's that?

MR. DIGILIO:

I know, it gets confusing; it's as bad as the military. What we have in place and what we put in place is typical of a Medical Reserve Program, which this corps is going to be, made up of retired doctors, nurses, things of that nature, that can be called upon again strictly in a state of emergency, putting together a group that can be called out, that will supplement what we already have in place and the training necessary administrative force.

LEG. BISHOP:

Sounds good.

LEG. CRECCA:

Bravo.

CHAIRPERSON CARPENTER:

Thank you. So we have a motion --

LEG. BISHOP:

And is that again Red Cross who is the lead on that?

MR. DIGILIO:

No, this will be coming through our Emergency Management Office through FRES.

CHAIRPERSON CARPENTER:

Do we have a motion?

LEG. O'LEARY:

Motion.

CHAIRPERSON CARPENTER:

Legislator O'Leary to approve and put on the consent calendar, second by Legislator Bishop. All those in favor? Opposed? **1409 is approved (VOTE: 7-0-0-0).**

1410-04 - Accepting and appropriating a grant in the amount of \$289,000 from the New York State Division of Criminal Justice Services for the Suffolk County Police Department 1st Precinct Gang Task Force with 75% support (County Executive).

LEG. LINDSAY:

Motion.

CHAIRPERSON CARPENTER:

Motion by Legislator Lindsay.

LEG. O'LEARY:

I'll second that.

CHAIRPERSON CARPENTER:

Second by Legislator O'Leary. All those in favor? Opposed?
Approved (VOTE: 7-0-0-0).

LEG. CRECCA:

Madam Chairman, can we put this on the consent calendar?

CHAIRPERSON CARPENTER:

No, it's only supposed to be 100% grants that go on the consent calendar.

LEG. CRECCA:

Actually -- well.

CHAIRPERSON CARPENTER:

There's a match.

LEG. CRECCA:

That's been the practice but it's not -- there's no bar to put it on.

CHAIRPERSON CARPENTER:

Well, I for one think that since there is a match on it.

LEG. O'LEARY:

On the motion.

CHAIRPERSON CARPENTER:

Yes?

LEG. O'LEARY:

Is there anyone here from the department that wants to speak on this? I just have a question regarding -- I take note of the fact that these monies and efforts are restricted to the 1st Precinct area; is there any possibility that there are other grants that are going to be coming forward with respect to other precincts that have gang task forces?

LIEUTENANT KELLY:

My name is Lieutenant Thomas Kelly. I can't say, sir, I don't know about that. This was strictly a 1st Precinct initiative. I believe there may be something done in Bellport, a similar program in Bellport, perhaps Huntington, but I can't say, I don't have knowledge on that.

LEG. O'LEARY:

It wasn't a department initiative, it was a 1st Precinct initiative?

LIEUTENANT KELLY:

It was done --

CHAIRPERSON CARPENTER:

Can I answer that? I do know that this was initiated by Assemblyman Sweeney.

LEG. NOWICK:

Through the State.

CHAIRPERSON CARPENTER:

Through the State, New York State Assemblyman Sweeney. So I, for one, was a little bit disappointed to see it not going to the 3rd because -- and I'm sure you can feel the same way, but we have the highest incidents of gang problems in the 3rd, however, it was instituted by that Assemblyman for the district. So I know what I plan on doing is contacting the Assemblymen that represent our district and see if they can do likewise for us.

LIEUTENANT KELLY:

If I may, it was also State Senator Owen Johnson who was instrumental in this grant.

CHAIRPERSON CARPENTER:

Yeah. Great, he covers the 3rd so that's a good thing. Thank you.

LIEUTENANT KELLY:

Thank you.

CHAIRPERSON CARPENTER:

Okay, we have a motion and a second. All those in favor? Opposed?

It is approved (VOTE: 7-0-0-0).

1418-04 - Amending the 2004 Capital Budget & Program to establish an Affordable County Jail Cost Containment Policy (replacement of jail facility at Yaphank) (CP 3008) (County Executive).

LEG. CRECCA:

Motion to table.

LEG. LINDSAY:

Madam Chair?

CHAIRPERSON CARPENTER:

Yes, Legislator Lindsay.

LEG. LINDSAY:

Yeah, I'd like to make a motion to table this resolution until the Capital Budget Committee has had a chance to meet, because this will dramatically affect the '04 budget.

LEG. NOWICK:

Second.

CHAIRPERSON CARPENTER:

Absolutely. And also, too, there were some projects in here that we certainly had demonstrated a commitment to that this resolution would be removing and the amount of funds that they're proposing be spent, quite frankly, I don't see how they could possibly be spent in what's remaining of this year. So I think that's a very good motion to table by Legislator Lindsay, second by Legislator Crecca. All those in favor? Opposed? ***The resolution is tabled (VOTE: 7-0-0-0).***

1419-04 - Appropriating funds in connection with a transportable radio tower site (CP 3217) (County Executive).

LEG. LINDSAY:

I will make a motion.

LEG. CRECCA:

Second.

CHAIRPERSON CARPENTER:

Motion by Legislator Lindsay, second by Legislator Crecca. All those in favor? Opposed? ***The resolution is approved (VOTE: 7-0-0-0).***

1422-04 - Accepting and appropriating a grant in the amount of \$11,122 from the State of New York Governor's Traffic Safety Committee for the Suffolk County Police Department to fund a Standardized Field Sobriety Testing Training Program with 100% support (County Executive).

LEG. CRECCA:

Motion to approve.

CHAIRPERSON CARPENTER:

With a hundred percent support, so are we matching it totally?

I'm not sure about this.

LEG. CRECCA:

I'll make a motion to approve and place on the consent calendar.

LEG. O'LEARY:

I will second the motion to approve.

LEG. CRECCA:

Yeah, and place on the consent calendar.

CHAIRPERSON CARPENTER:

Motion by Legislator Crecca to approve and put on the consent calendar, second by Legislator O'Leary. All those in favor? Opposed?

The resolution is approved (VOTE: 7-0-0-0).

1423-04 - Accepting and appropriating a grant in the amount of \$410,000 from the United States Department of Homeland Security, Transportation Security Administration to purchase two high speed all-weather patrol vessels with 100% support (County Executive). Motion to approve.

LEG. LINDSAY:

Question.

CHAIRPERSON CARPENTER:

And second by Legislator O'Leary and question by Legislator Lindsay.

LEG. LINDSAY:

I'll very happily accept the money, I would just like to hear from the department on how these vessels will be placed, if somebody has that information.

CHAIRPERSON CARPENTER:

Yes, I do believe we have someone here to address that. And this is a hundred percent grant.

DEPUTY INSPECTOR JANTZEN:

Good afternoon. I'm Deputy Inspector Harold Jantzen, Commanding Officer of the Suffolk County Marine Bureau. This was actually a two-part project, it was focused primarily for security. One part of the project was focused at the 1.1 million passengers that travel across the Long Island Sound on the Port Jeff Ferry, the second half of it was focused on the South Shore Ferry traffic which deals with approximately 1.4 million passengers. And the need for the boat was I guess identified by the fact of our present craft's inability to maintain pace with the new and improved Port Jeff ferries and the South Shore ferries. So we did some research and located an all-weather vessel that was capable of traveling in the type of water conditions present on the Long Island Sound at a speed that was capable of over-taking the ferry should some sort of disaster occur.

LEG. LINDSAY:

Will these vessels replace existing vessels in our fleet or will be in addition?

DEPUTY INSPECTOR JANTZEN:

That's not a one word answer. There will still remain in all of the ports that we presently have the 38 foot aluminum all-weather Thomas Patrol Boats, they will still reside in those locations. However, the only opportunity we had for a rapid response before were the 22 foot Open Boston Whalers which were capable of higher speed but they were not capable of operating in the seat conditions that are often present on the north shore and the south shore of Long Island. And the fact that the boats are over 20 years old right now also factored into our decision to move ahead with a more modern and sophisticated and technically advanced craft.

LEG. LINDSAY:

So we really at this point have not made a decision whether the deployment of these two vessels will replace existing vessels or will be a supplement to our existing fleet.

DEPUTY INSPECTOR JANTZEN:

I intend to pull the Boston Whalers from those locations and put them to use in other parts of the County.

LEG. BISHOP:

Will these new vessels be deployed all the time or just in times of emergency?

DEPUTY INSPECTOR JANTZEN:

No, year-round. They're all weather boats with a cabin, they have heat in them and they're capable of operating in the type of sea conditions that often occur in the winter months.

LEG. BISHOP:

Thank you.

CHAIRPERSON CARPENTER:

Thank you very much for coming down, we appreciate it.

DEPUTY INSPECTOR JANTZEN:

Thank you.

CHAIRPERSON CARPENTER:

So I will make that motion to approve and put on the consent calendar, second by Legislator O'Leary. All those in favor? Opposed?

The resolution is approved (VOTE: 7-0-0-0).

1424-04 - Accepting and appropriating 100% additional Federal pass-through grant funds from the New York State Division of Criminal Justice Services to the Suffolk County Police Department and Sheriff's Office for STOP Violence Against Women Program (County Executive).

LEG. O'LEARY:

Motion.

CHAIRPERSON CARPENTER:

Motion by Legislator O'Leary to put on the consent calendar and approve, second by Legislator Nowick. All those in favor? Opposed?

The resolution is approved (VOTE: 7-0-0-0).

IR 1428-04 - Amending the 2004 Operating Budget and transferring 100% County funds from within the Department of Probation to reinstate the Partners Against Crime Team Mentoring Program in the Department of Probation and authorizing the

County Executive to execute related agreements (County Executive). This is the County Exec's resolution.

LEG. LINDSAY:

I make a motion.

CHAIRPERSON CARPENTER:

Motion by Legislator Lindsay.

LEG. LINDSAY:

There's not a second to accept a hundred percent money? Jesus.

LEG. CRECCA:

Second.

LEG. BISHOP:

I think that's a reflection on you.

LEG. O'LEARY:

And place on the consent calendar as well?

LEG. LINDSAY:

Yes.

CHAIRPERSON CARPENTER:

Okay, very good. Motion to approve by Legislator Lindsay and place on the consent calendar, second by Legislator O'Leary. All those in favor? Opposed? ***The resolution is approved (VOTE: 7-0-0-0).***

IR 1438-04 - Amending the 2004 Capital Budget & Program and appropriating funds in connection with the replacement and upgrading of the security gate control panel system at the First District Court Prisoners Detention Area (County Executive).

LEG. O'LEARY:

Motion to approve.

LEG. CRECCA:

Second.

CHAIRPERSON CARPENTER:

Motion to approve by Legislator O'Leary, second by Legislator Crecca. All those in favor?

Opposed? ***The resolution is approved***

(VOTE: 7-0-0-0).

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PROCEDURAL MOTIONS

We have a Procedural Motion on the agenda; ***Procedural Motion No. 1 -***

To retain consultant for the purpose of reviewing and evaluating alternatives to incarceration to reduce our daily jail bed population (Bishop).

LEG. BISHOP:

Motion.

CHAIRPERSON CARPENTER:

Motion by Legislator Bishop.

LEG. CRECCA:

Motion to table.

LEG. NOWICK:

Second.

CHAIRPERSON CARPENTER:

Motion to table by Legislator Crecca, seconded by Legislator Nowick; that takes precedent. All in favor of the tabling motion?

LEG. BISHOP:

On the motion.

CHAIRPERSON CARPENTER:

On the motion, Legislator Bishop.

LEG. BISHOP:

I'm surprised that there would be a motion to table; I don't know what the nature of it is, if it's permanent hostility towards the resolution or just time to digest what it says. The purpose of it is that if you recall when Pulitzer Bogard made their presentation, their bottom line was that they urged the County to adopt a dual track approach, to go forward with the planning and construction of the jail, an aspect which I oppose but that's their recommendation. And the second part of their recommendation was to study alternatives, this says alternatives to incarceration but it's really more than that, it's alternatives to the current system because there might be system efficiencies that can be corrected, or inefficiencies that can be corrected.

You'll further recall that that was really part of the mandate of the study, but Pulitzer Bogard testified at that hearing, at the Public Safety Committee hearing, that they couldn't perform that function because they lacked the data and that the Sheriff's Office didn't have the correct data. So it wasn't that they couldn't do it at all, it was that they couldn't do it in a timely manner is what they said. And that the Sheriff was the project manager and he was pushing them for completion of the project in an expedited manner, and given that time frame they couldn't address the alternatives and the systems that needed to be improved.

So given that we have that dual track recommendation, that the jail as proposed is a phased-in approach which would give us time to evaluate the work that would come out of this study, I don't see what the objection would be; it would seem to be in line with both opponents like myself and proponents like yourselves.

LEG. CRECCA:

I guess -- do you want to respond?

CHAIRPERSON CARPENTER:

Are you done? Okay, Legislator Crecca.

LEG. CRECCA:

Yeah, I don't think the resolution, first of all, made that clear, so I appreciate the clarification. It talks about studying -- "reviewing and evaluating alternatives to incarceration," which my

recollection was that we were doing a very good job currently in Suffolk County with alternatives to incarceration and that we were maximizing that area currently, so I didn't see the need to spend \$25,000 to study more programs. I certainly would say that this -- I don't have any particular adversity, or whatever term you used, towards any legislation and I just wasn't ready -- personally I don't think I'm ready to go forward on this without more detail exactly what this study is supposed to do, but I'm not necessarily opposed to it. I mean, is there a specific purpose to this study?

LEG. BISHOP:

Yeah. If you recall the hearing where I went through six specific areas with the consultants, and those six specific areas weren't off the top of my head, they came from the first study because we're -- you know, we're engaged in a series of studies. They include pretrial probation, they include moving prisoners through the system more rapidly, mentally ill was another aspect -- I don't have it in front of me -- D & E felons which were sentences less than a year that used to go Upstate that now have been transferred back to the Local level; all those areas have potential for jail day-bed reductions.

So that's what I was -- that's -- those are the questions that were left unanswered by the last study that need to be resolved. And whether you believe that we need to resolve them before we do phase I, my position, or not, you certainly would want to resolve them before you go to Phase II of the jail construction project. So that's the intent of the legislation.

By the way, the 25,000 might be on the low end. It simply says that whoever has this responsibility would have to come back to the Legislature if they went beyond 25,000; I don't think that you could get an effective study for 25,000.

LEG. CRECCA:

It's out of our 456 Account?

LEG. BISHOP:

It's out of our 456 Account which for the last several years, you know, we have not come close to spending.

LEG. CRECCA:

Would you have a problem, assuming this is tabled today, you know, being more specific as to

exactly what this study should entail?

LEG. BISHOP:

Absolutely, I have no problem with that. You know, I just think that we need to do it, so if you have suggestions on what you want to see studied, that's fine.

LEG. O'LEARY:

I have a question.

CHAIRPERSON CARPENTER:

Legislator Crecca, are you done?

LEG. O'LEARY:

Are you finished?

LEG. CRECCA:

Yes.

CHAIRPERSON CARPENTER:

Okay. Legislator O'Leary.

LEG. O'LEARY:

I just have a question of Legislator Bishop. I'm a little confused, is your statement that the consultants will bring to our attention alternatives that we're not aware of?

LEG. BISHOP:

Perhaps. My statement is that the reduction of the population was a significant part of the charge for Pulitzer Bogard and they were unable to do it. And they came to us when they presented and they said , "We were unable to do this part of it and we recommend a dual track. You should go forward with that study, but we couldn't do it in the time frame because the numbers that we had from the Sheriff were incomplete." So I think that, you know, it would be incumbent upon us to take that up at some point, perhaps sooner rather than later.

LEG. O'LEARY:

But, I mean, our County personnel are not aware of these alternatives? I find that hard to believe.

LEG. BISHOP:

I'm sure we're aware. It's like Drug Court; we're aware of Drug Court, is it maximized? You know, I would dare say it's not maximized and I think if you spoke to the people that run the Drug Court Program they would say it's no maximized, they would say it's an effective program and there are impediments to maximizing. For example, maybe there are not enough treatment facility spots which is something that we would want to know as we prepare the budget for next year, as we prepare or contemplate going to Phase II of the construction project. So in terms of having the base of knowledge that you need to address the overall picture, you need to have this aspect of the study, it was never done and we need to do it.

CHAIRPERSON CARPENTER:

Legislator Nowick.

LEG. NOWICK:

Just a question; Legislator Bishop, maybe you know the answer. When you say Drug Court is not used, is it because the Judges do not make that recommendation?

LEG. BISHOP:

I don't know. I know that -- first of all, I was hoping today to attend a lecture at the Bar Association on Drug Court to learn more about it, but I went to the graduation and there's no doubt that the people that run the program feel that, you know, it's a highly effective program and it should be utilized even more. I don't know what the impediments are to having it utilized even more, whether it's the Judges, the District Attorney, whether it's a lack of treatment spots, whether it's defense counsel remains to be seen.

I do know that when we did this study, when we were asking the question do we need to build a \$200 million jail, one of the key components of that was can we reduce our daily jail population and that aspect of the study still has not been done and we need to do it.

LEG. NOWICK:

I think it's a great idea to find alternatives if we use the alternatives, and I know we have

community service but they're not funded, we can't use them either. So if we find the answers we have to be able to utilize the agencies.

LEG. BISHOP:

I just want to -- if I may. I haven't read this exactly before but my aide, Mr. Zaccarro, handed it to me, it's from the last Public Safety meeting. "I think that with the revisions you're making I think there's a two-pronged solution to this; one is that you are in the midst of converting what is approximately a half million electronic files into an interrelational database. But I think you need to examine additional data elements if you want to collect the data. So we're saying that there are places" -- this is more on the data.

LEG. CRECCA:

Can I make a suggestion?

CHAIRPERSON CARPENTER:

Is this from the -- you're reading this from the comments of the guys that did the study?

LEG. BISHOP:

Yes.

CHAIRPERSON CARPENTER:

Okay.

LEG. CRECCA:

Why don't we --

LEG. BISHOP:

I mean --

CHAIRPERSON CARPENTER:

You know, I'm just listening to this dialogue going back and forth, it almost seems to me that the professionals that work in the system in the department perhaps should be reviewing and coming back to us, if they feel it's necessary, for us to bring yet another consultant in. Let me just check and make sure, Legislator Nowick was finished?

LEG. NOWICK:

I think we should just table it.

CHAIRPERSON CARPENTER:

Okay. Legislator Lindsay.

LEG. LINDSAY:

Well, I don't disagree with the Procedural Motion, I just would like to see it expanded. I don't think it's a matter so much of not knowing the alternatives but how to implement them. You know, I mean, we can't do it unilaterally, the County Executive can't do it unilaterally, the DA can't do it unilaterally, the judicial system can't do it unilaterally. Somewhere along the line we have to come up with a vehicle where all these people come together and work towards the same goal.

CHAIRPERSON CARPENTER:

It almost sounds like a task force in the making rather than paying to have somebody come in from the outside to look at it and say you guys have got to get together and see ways to maximize what you do have in place and make sure they're communicating with one another.

LEG. LINDSAY:

Well, I would hope one would lead to the other.

CHAIRPERSON CARPENTER:

Thank you.

LEG. CRECCA:

What about the Criminal Justice Coordinating Council, wouldn't this be something that's appropriate for them to look at?

CHAIRPERSON CARPENTER:

Absolutely, absolutely. All right, I think we've --

LEG. BISHOP:

May I -- I'm not done with my time, I just want to respond to a couple of things.

CHAIRPERSON CARPENTER:

Well, wait a minute now.

LEG. BISHOP:

You can take my time and put me back on the list, that's fine.

CHAIRPERSON CARPENTER:

No, no, I just -- because Legislator Lindsay was speaking, I just want to make sure that he was done.

LEG. LINDSAY:

Yes.

CHAIRPERSON CARPENTER:

So you wish to speak again?

LEG. BISHOP:

I do wish to speak.

CHAIRPERSON CARPENTER:

Okay.

LEG. BISHOP:

I don't think there's anybody who doesn't recall that they said to go on a dual track, you know; do we remember that, that that was their recommendation that there should be a dual track. And that second part of the track is to study alternatives and study ways to reduce our daily population.

Also, just before you want to turn it back over to the, quote/unquote, professionals, realize that the data concerns were brought to the attention of the Sheriff and the Sheriff ordered the consultant to go forward without the sufficient data.

At the hearing I asked, "Were they cognizant of how the data would impact the analysis? That's what I want to know. I mean, I don't know who you thought the --" well, this is my bad syntax.

"I don't want to say yes. I mean, who was the client? Who did you inform of the problem? I know we the County are the end user and the Legislature is the policy maker, but who did you take direction from?" And Mr. Bogard responds, "We took direction from the Sheriff's Office; the client was Suffolk County but the Sheriff's Office was the project manager."

Okay. To me that's clear that the Sheriff said, look -- I know what the Sheriff's perspective is, I have a crisis, I have to expedite, I have to move this thing forward, and he moved it forward but we didn't get the full picture. And we still have this important aspect that needs to be analyzed independently to have a full picture of where we're at. And so this is not getting in the way of your moving forward your jail project, I'm simply saying let's do exactly what the consultant recommended, to have the dual track and to look and see if we can head it before we have to go to Phase II.

CHAIRPERSON CARPENTER:

I see gentlemen here from the Sheriff's Department, Under-Sheriff Sullivan and Chief Otto; do you want to come forward? I was actually going to ask that -- because it seems that this is going to be tabled today, that you might want to come and speak to this at the next meeting, but if you would like to make some comments now you're certainly welcome to.

UNDERSHERIFF SULLIVAN:

Good afternoon. Just at the outset, I want to correct the record in one regard. The Sheriff's Office did not order the consultant to do anything. The consultants asked us for information historically that was unavailable, it would be unavailable next month, it has to do with capturing information with a computer system that didn't exist over the course of years and we simply could not provide detailed information such as they wanted to do their analysis. But the notion that they were ordered to go forward without sufficient information is totally incorrect.

This morning I attended a three hour meeting, two of Mr. Bishop's aides were present, at CJCC, a subcommittee. The topic of the meeting was talking points from the County Executive's Office through John Desmond, Director of Probation who is the Chair of the subcommittee, 18 point plan to reduce the jail population to a 1,200 inmate daily census, an admirable -- it's questionable whether that's obtainable, but an admirable goal. We spent three hours talking about these things in detail. CJCC exists now, it has existed for a long time, its mission narrowed over the course of years but it's still a viable organ. It has membership from Probation, the Sheriff's Office, Police Department, District Attorney's Office, everyone who is a

constituent in this global problem, and this is a topic of active consideration in that subcommittee now.

I for one think this is an excellent vehicle to address this question and it's in existence and it takes advantage of the professionals not just in the Sheriff's Office, in the spectrum of criminal justice organizations that are going to have to address this problem. One constituent who is not present and it's very difficult to get them into the picture and that's the judiciary who are quite jealous of their independence and are not inclined over the course of time in my experience to sit down with the Police Department, the Sheriff's Office and Probation Department people to discuss things of this nature. But we have an organ in place, the next meeting is in the middle of June.

CHAIRPERSON CARPENTER:

Thank you very much, Under-Sheriff.

LEG. BISHOP:

I have a comment.

CHAIRPERSON CARPENTER:

I think that -- if I could just respond. I think it might be in the best interest of everyone involved if the Presiding Officer, along with the County Executive, would reach out to the judiciary and see if we could encourage them to participate in the CJCC. Because I think, as you point out, this would be a very viable vehicle for addressing this issue and making sure that the programs that are in place are maximized and if there are other things that we can be doing that we do them. But for two branches of government to be working on it and one out there on its own that is so much a vital part of this whole picture refusing to participate --

UNDERSHERIFF SULLIVAN:

They haven't refused.

CHAIRPERSON CARPENTER:

-- all the studies in the world aren't going to do anything.

UNDERSHERIFF SULLIVAN:

I don't want to give you the wrong impression, no one has refused, but they have -- the

judiciary traditionally stands back from such governmental conversation.

CHAIRPERSON CARPENTER:

No, and I think that's why perhaps, you know, if they could be encouraged to join with us and sit at the table and discuss this very issue, we would all be better served.

UNDERSHERIFF SULLIVAN:

The critical moments to determine whether or not someone is going to come into the correctional facility are between the moment of arrest and the moment of arraignment; the Legislature isn't there then, the Sheriff isn't there then during those moments. Whether or not we're going to have any programs that intervene to redirect someone with a mental health issue, to redirect someone with a substance abuse issue, any of those programs have to take place in that time frame. The people who are involved in that time frame are police officers, the people who are available to them in the precinct in terms of mental health professionals, the District Attorney's Office, the Probation Officers who vet the arrestees before they go before the court, and the District Court Judges; those are the folks, none of whom are here in this conversation, who determine 99% of the time whether or not we're going to receive somebody to keep overnight or not, they have to be engaged.

CHAIRPERSON CARPENTER:

Thank you. Legislator Bishop, did you have something to add?

LEG. BISHOP:

Yeah, if you could just hang on. Just to go back, this isn't my analysis of what occurred, this is what the consultant said, they are the ones who said that it was the Sheriff that ordered them not to move forward. Now, ordered, you can quibble with the word ordered, directed might be the better term, but in any case, they felt that they work for the Sheriff and they were told to proceed in a certain manner.

At the hearing I asked, "All right, let me ask the question as gently as possible. Given all the data challenges, unusual or not unusual, and given that the RFP clearly asked for an evaluation of alternatives, did you inform anybody as this process went on that that aspect of the report was not going to be as concrete as perhaps would be reasonably anticipated?" MR. BOGARD: "Well, we actually raised the concern before we even started the process. We were directed to work with what we had and we did. As I said before, we spent a lot of time, a lot more time

than we had anticipated and had budgeted to deal with data and we were working with the Sheriff's Office along the way and they were cognizant of the data concerns that we had." And skipping to the next answer,

"We took direction from the Sheriff's Office." So that's where I'm coming up with that assessment; it's not my coloring of the situation, it's what they testified to at the last hearing.

They also suggested that we move forward with a dual track. We also, as a Legislative body, had previously determined that we wanted this information independently, and I think that we should fulfill the mission that we laid out initially, we should get that information, that's all this resolution is doing. I just want to know, does the Sheriff's Office oppose this resolution?

UNDERSHERIFF SULLIVAN:

No, it's not a question of opposing it. We do disagree with your characterization of Bogard & Pulitzer's Report and I sat in the room the same day you did. They also said --

LEG. BISHOP:

Well, of the report or these answers I just --

UNDERSHERIFF SULLIVAN:

I'm not finished yet, Mr. Bishop.

LEG. BISHOP:

Well, you said the report, I just want to know, was it -- because before you said it was --

UNDERSHERIFF SULLIVAN:

I'm not finished yet, Mr. Bishop. We have a history of talking over one another, I would appreciate it if it stopped.

I do recall that they said we had the most efficient ATI Program in the State of New York, I recall that clearly. They said they could not do a better job at the assessment because the data didn't exist. And yes, we told them the data does not exist, it does not exist, we did not have the factual computer systems in place over the years to give them the kinds of data that they would have liked to have to do a complete analysis. So we gave them what we had and we

said, "You have to work with what we have," and that's what they reported here. The notion that they were ordered to storm ahead while information wasn't given to them is incorrect.

No, we're not opposed to your motion, but you have a CJCC Council in place, your aides attended the meeting with me this morning, it was a lively conversation. CJCC said they want to come to the Legislature and ask for the restoration of some staffing and funding so that there is a coordinating chairman or a coordinating -- a coordinator for the CJCC to bring together constituencies like the DA's Office, the Police Department, the Sheriff's Office, the Judiciary and to discuss these kinds of innovative ideas, some of which are worth pursuing, some of which aren't. I think that organ which will actually bring folks together who are in this entire conversation, instead of what has been for the last two years the divisive methods that we've used where we come up with someone's idea of what's going on and then confront the other people in the constituency with that idea and get in an argument. Put the cops, put the Sheriffs, put the DA's, put the Judges, put Probation all in a room together and talk about which ones of these ideas, if any, are viable; I think that's the way to go.

CHAIRPERSON CARPENTER:

I have to say that I couldn't agree with you more because I know that we as a County are certainly very capable of doing that because the very groups that you talk about do that on other issues and initiatives. And the DA's Office has reached out, and I know the Sheriff's Department is a part of it and the Police Department, with the gang issues and with a number of other things and there's no reason why this thing or this particular problem or issue can't be handled in the same way with the same players, but you need to talk to one another and I couldn't agree with you more.

UNDERSHERIFF SULLIVAN:

That's how the DWI Facility came into existence, that's how the Drug Court came into existence. We have had a history over 25 years, I've seen most of it in my career, where innovative programs --

CHAIRPERSON CARPENTER:

Monitoring programs.

UNDERSHERIFF SULLIVAN:

-- came out of CJCC when you've got all of the consistencies in a room talking over the hard, philosophical differences and the real governmental options and coming up with a solution, it's worked in the past.

CHAIRPERSON CARPENTER:

Thank you.

LEG. BISHOP:

If I may.

CHAIRPERSON CARPENTER:

Certainly.

LEG. BISHOP:

You know, I agree a hundred percent, we all agree a hundred percent, but the shame of it is that the CJCC didn't meet for years. It didn't meet -- for the critical years when we had to decide on this jail the CJCC didn't meet, now suddenly it's a panacea that we all look towards. Why didn't it occur to anybody that the system wasn't communicating when we were under the gun from the State to make this decision? Now this Legislature has chosen to go down a path of build first and gain information second, something that I vehemently disagree with.

CHAIRPERSON CARPENTER:

Legislator --

LEG. BISHOP:

And I just want to -- go ahead, I'll yield, I'm all for dialogue. I just --

CHAIRPERSON CARPENTER:

Dialogue away.

LEG. BISHOP:

All right, I shall then.

At the hearing Mr. Bogard, one of the principals in Pulitzer Bogard, states unequivocally that there should be a dual track and that there should be more analysis. "We think that further analysis needs to occur on a parallel track with planning of a new facility and that can be done

responsibly and appropriately and that DPW and your architects and the Sheriff can find a way to parallel track and do the responsible kind of analysis to look at alternatives to see if the total number of beds can be reduced while also advancing the project. There are many ways to accomplish that, we have done that with clients before and we think that you should do that on a parallel track."

So they endorse a parallel track of analysis on alternatives which is what we need to do and what this piece of legislation seeks to accomplish. It's nothing -- it's not an assault on the policy direction that you've already taken in that you want to plan for this massive jail, I disagree with that decision but I understand that it's been made. But I do think that we have an obligation to our constituencies to fully explore alternatives. And even the consultant who agreed with the Sheriff ultimately that the jail needed to be built points out that that analysis still has not been done, so we need to do it.

You know, the issue is not overly complicated, you need to do an analysis of whether you can advance even further alternatives to incarceration. And saying that we have the best program in the State and everything is great, it doesn't mean that we've maximized, and clearly we have an obligation to maximize and that's what I'm trying to further.

CHAIRPERSON CARPENTER:

And I think we all agree. The only thing we need to come to terms with is what is the best way to get there; is it spending at minimum, as you've said, it certainly could probably be more than \$25,000, or is it perhaps looking at the CJCC which, by the way, you've said and I feel I have to correct the record, that it hasn't met for years; it has met, it's required by law to meet four times a year and it does.

LEG. BISHOP:

Okay. Do you know that it did not meet after 9/11 until this year?

CHAIRPERSON CARPENTER:

That's not true, it meets four times a year; the Criminal Justice Coordinating Council has met four times a year.

LEG. BISHOP:

It hasn't had staff.

CHAIRPERSON CARPENTER:

We have a motion and a second to table. All those in favor? Opposed?

LEG. LINDSAY:

Opposed.

LEG. BISHOP:

Opposed.

CHAIRPERSON CARPENTER:

Two opposed, ***the resolution is tabled (VOTE: 5-2-0-0 Opposed: Legislators Bishop & Lindsay).*** Thank you.

UNDERSHERIFF SULLIVAN:

Thank you.

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HOME RULE MESSAGES

CHAIRPERSON CARPENTER:

Okay, we have ***Home Rule Message No. 1 - Home Rule Message requesting New York State Legislature to allow Suffolk County to install and operate Red Light Camera Program (Senate Bill S1371-A) (Lindsay).***

Motion by Legislator Lindsay. Is there a second?

LEG. NOWICK:

Second.

CHAIRPERSON CARPENTER:

Second by Legislator Nowick. All those in favor? Opposed?

The resolution is approved (VOTE: 7-0-0-0).

Home Rule No. 2 - Home Rule Message requesting the State Legislature to allow Suffolk County to install and operate Red Light Camera Program (Assembly Bill A5387) (Lindsay). This is the support of the Assembly bill.

LEG. LINDSAY:

Motion.

CHAIRPERSON CARPENTER:

Motion by Legislator Lindsay, second by Legislator Nowick. All those in favor? Opposed? ***The resolution is approved (VOTE: 7-0-0-0).***

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SENSE RESOLUTIONS

We have ***Sense No. 29-2004 - Memorializing Resolution requesting New York state Legislature to amend the Vehicle and Traffic Law to require posting of insurance sticker on automobile windshields (Alden).***

Motion by Legislator Losquadro, second by Legislator Crecca.

All those in favor?

LEG. O'LEARY:

On the motion.

CHAIRPERSON CARPENTER:

On the motion.

LEG. O'LEARY:

Does it depend on the size of the sticker? How many stickers are we --

CHAIRPERSON CARPENTER:

A reasonably sized sticker.

LEG. O'LEARY:

How many stickers are you going to have on your windshield?

CHAIRPERSON CARPENTER:

Probably an inch across, a bright orange sticker that would signify insurance. Thank you, Legislator O'Leary. All those in favor? Opposed? ***The resolution is approved (VOTE: 7-0-0-0).***

LEG. LINDSAY:

Before we adjourn.

CHAIRPERSON CARPENTER:

Sure, Legislator Lindsay.

LEG. LINDSAY:

Yeah, before we adjourn, and forgive me for not bringing it up earlier in the meeting; do we have still have a representative from the Police Department here?

CHAIRPERSON CARPENTER:

I don't see the Commissioner?

MS. CLAUSING:

Yes.

LEG. LINDSAY:

We don't.

CHAIRPERSON CARPENTER:

Public Information is here, Cecilia is here.

LEG. LINDSAY:

In all deference, Cecilia, I don't think you'd have the answers to my questions.

CHAIRPERSON CARPENTER:

Okay. Perhaps at the next meeting the Commissioner will come back.

LEG. LINDSAY:

It seems like we're getting away from the practice of the Commissioner and his high staff attending our meetings and I would like to see that resume because I do have a couple of questions about --

CHAIRPERSON CARPENTER:

Well, I'll put a letter together to the Commissioner stating your request and the committee's; I'm sure everyone agrees they would like to see him here.

LEG. LINDSAY:

Thank you.

CHAIRPERSON CARPENTER:

Okay, we have a motion to adjourn.

LEG. O'LEARY:

Motion.

CHAIRPERSON CARPENTER:

We are adjourned. Thank you.

(*The meeting was adjourned at 2:24 P.M. *)

***Legislator Angie Carpenter, Chairperson
Public Safety & Public Information Committee***